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ARRANGEMENTS FOR INTERGOVERNMENTAL MEETINGS

Amendments to the Convention or its Annexes

Letters from the Islamic Republic of Pakistan, the Azerbaijan Republic, the Netherlands (on behalf of the European Community and its Member States) and Kuwait proposing amendments to the Convention or its Annexes

Note by the secretariat

1. The procedures for amending the Convention and its Annexes are contained in Articles 15 and 16. Article 15.1 provides that: "Any Party may propose amendments to the Convention" and Article 15.2 provides that "Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Convention and, for information, to the Depositary". Article 16 relates, *inter alia*, to the amendment of Annexes by application of the procedure set out in Article 15.

2. In accordance with these provisions, four Parties have submitted proposals to amend the Convention or its Annexes.

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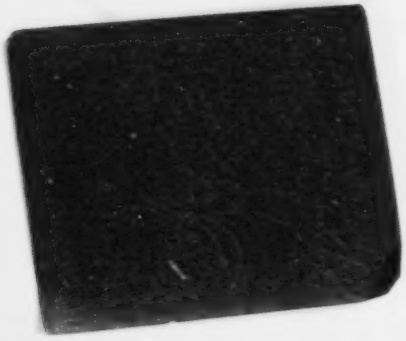

3. Pakistan and the Azerbaijan Republic, by submissions dated 21 and 28 May 1997, respectively requested the deletion of the name of Turkey from the list of Parties included in Annexes I and II to the Convention. The proposal from Pakistan makes reference to Articles 4.2(f), 15.2 and 16.2, that from Azerbaijan is made in the context of Article 4.2(f). The latter provides for the Conference of the Parties (COP) to review available information not later than 31 December 1998 with a view to taking decisions regarding amendments to the lists in Annexes I and II of the Convention. On 29 May 1997, the secretariat sent a "note verbale" containing these proposals to all Parties and signatories to the Convention and to their Embassies in Bonn. Attached to the "note verbale" was the full text of the note from Pakistan, the "note verbale" from the Azerbaijan Republic was identical in substance.

4. The Netherlands on behalf of the European Community and its member States submitted a proposal dated 28 May 1997 to amend Article 17 of the Convention. This proposal was sent out in a note verbale dated 29 May 1997.

5. Kuwait on 2 June 1997 submitted a proposal to amend Article 4.3 of the Convention. This proposal was sent out in a note verbale dated 4 June 1997.

6. All the proposals were transmitted to the Parties and the signatories in the original languages only, with a note stating that the full texts of the proposals would be translated and circulated in all languages as soon as possible.

7. The Subsidiary Body for Implementation (SBI) may wish to advise on the appropriate subsidiary body that could consider the amendments and make the necessary recommendations to the COP.

Letter dated 21 May 1997 from the Ministry of Foreign Affairs of the Islamic Republic of Pakistan to the Executive Secretary, transmitting a note on the deletion of the name of Turkey from Annexes I and II to the Convention

The Islamic Republic of Pakistan, on the request of the Republic of Turkey and pursuant to Article 4.2(f) of the Convention on Climate Change, has the honour to request the deletion of the name of the Republic of Turkey from the First and Second Annexes of the United Nations Framework Convention on Climate Change, based on Article 15.2 and 16.2. We would appreciate if this request is kindly communicated to the State Parties urgently, so that it could be taken up for favourable consideration at the 3rd Conference of the Parties to be held in Kyoto, Japan.

A Note on the subject is enclosed.

Please accept, Excellency, the assurances of my highest consideration.

(Signed)

(Anwar Kamal)
Additional Secretary (UN)

PAKISTAN: NOTE ON THE DELETION OF TURKEY FROM ANNEXES I AND II TO THE CONVENTION

1. As it is known, the Republic of Turkey, though not a Party to the United Nations Framework Convention on Climate Change (UNFCCC), is placed in the Annexes I and II of the said Convention. The Islamic Republic of Pakistan, due to the reasons explained in the following, demands the deletion of the name of the Republic of Turkey from the aforementioned annexes according to the Article 4.2(f) with a consequent end of its becoming a Party to the Convention. It further considers that the Third Conference of the Parties (COP III), to be held in December 1997 in Kyoto, Japan will constitute an appropriate forum for the finalization of this demand.

2. Turkey's statements presented during the meetings of the INC/FCCC process between 1992 and 1995, have been included in the secretariat documents five times (Enc I). Turkey declared its demand in the COP 1 in 1995, held in Berlin. This statements was published as a conference document dated 6 April 1995 and numbered FCCC/CP/1995/MISC.5 (Enc II).

3. The Islamic Republic of Pakistan wishes to stress that Turkey, though in complete agreement with the idea and understanding of the Convention, regrets not being able to sign the FCCC due to her inclusion in the annexes, as a "developed" country. Such a classification is not compatible with the UN Human Resources Development Report 1996 which considers Turkey as a "medium developed country" and hence places it as the 84th in the development rov. Furthermore, Turkey is acknowledged as a developing country in the Montreal (ozone) Protocol.

Some basic and comparative figures about Turkey related to the context of the UNFCCC are as follows:

- GNP per capita: Turkey's is roughly 2,700 US Dollars.

- Anthropogenic emissions in general and per capita: Turkey's 153 million tons of CO_2 as of 1993 is about one tenth of Annex II countries average. Turkey had 2.6 tons of CO_2 per capita in 1993.

- Consumption of energy per capita: Turkey's per capita electric consumption is approximately 1300 Kwh/year which is about the fifth of the OECD and one fourth of the EU average.

Thus, it is evident that Turkey's contribution to global warming is just a fraction of the average of the Annex countries. In figures, 1.42% of total OECD energy-related CO_2 or 0.67% of total world CO_2 from energy.

4. As it will be recalled, paragraphs 1 and 2 of Article 3 of the Convention, respectively stipulate the following:

> "The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof".

> "The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and to the adverse effects of climate change, and to those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration".

These paragraphs clearly foresee the economic situation of the countries and the needs of their people are to be taken into consideration and the obligations are to be shared on the basis of the principle of a fair and equitable differentiation, while fulfilling the objectives of the Convention.

5. Furthermore, Article 1.1(c) and (d) of the Berlin Mandate state that:

> "The legitimate needs of the developing countries for the achievement of sustained economic growth and the eradication of poverty, recognizing also that all Parties have a right to, and should, promote sustainable development ... ".

> "The fact that the largest share of historical and current global emission of greenhouse gases has originated in developed countries, that the per capita emission in developing countries are still relatively low and that the share of global emission originating in developing countries will grow to meet their social and development needs ... ".

In these two paragraphs, with a particular emphasis on the right to development for the developing countries, it is recognized that programmes, which meet the economic needs of such countries, will continue to be implemented.

6. In the light of the above rules, the Islamic Republic of Pakistan believes that Turkey's demand deserves due consideration, in order to fulfil its obligations both for development of its economy, and for the implementation of the Convention.

Furthermore, it is noteworthy that Turkey, being aware of the fact that increase in the level of the global emissions of the greenhouse gases constitutes a threat to the future of the humankind, and that this situation affects especially the developing countries, has already been taking measures foreseen in the Convention to the extent possible.

7. Finally, Turkey has declared that there will be no impediment for its accession to the Convention following its exclusion from the Annexes.

8. Based on the above mentioned argumentation, the Islamic Republic of Pakistan, a Party to the UNFCCC, requests the secretariat, in accordance with paragraph 4.2(f) of the said Convention, to take the necessary steps to delete the name of the Republic of Turkey from Annexes I and II to the Convention and duly put this matter under the relevant Agenda item of the third session of the Conference of the Parties to be held in Kyoto, Japan in December 1997. Furthermore, the Islamic Republic of Pakistan kindly asks the secretariat to bring this letter to the attention of all Parties, in conformity with the rules of the Convention.

Note dated 28 May 1997 from the Embassy of the Azerbaijan Republic in the Federal Republic of Germany to the secretariat, transmitting a proposal to delete the name of Turkey from Annexes I and II to the Convention

The Embassy of the Azerbaijan Republic in the Federal Republic of Germany presents its compliments to the Secretariat of the UN Framework Convention on Climate Change and has the honour to forward the attached text of the address of the Azerbaijan Republic to all Parties to the Convention.

The Embassy of the Azerbaijan Republic in the Federal Republic of Germany avails itself of this opportunity to renew to the Secretariat of the UN Framework Convention on Climate Change the assurances of its highest consideration.

Enclosure: 3 pages

(Stamped)
Bonn, May 28, 1997

Embassy of the Azerbaijan Republic

THE REPUBLIC OF AZERBAIJAN: NOTE ON THE DELETION OF THE NAME OF TURKEY FROM ANNEXES I AND II TO THE CONVENTION

1 As it is known, the Republic of Turkey, though not a Party to the United Nations Framework Convention on Climate Change (UNFCCC), is placed in the Annexes I and II of the said Convention. The Republic of Azerbaijan, due to the reasons explained in the following, demands the deletion of the name of the Republic of Turkey from the aforementioned annexes according to the Article 4.2(f) with a consequent end of its becoming a Party to the Convention. It further considers that the Third Conference of the Parties (COP III), to be held in December 1997 in Kyoto, Japan will constitute an appropriate forum for the finalization of this demand.

2. Same as in the Pakistan text.

3. The Republic of Azerbaijan wishes to stress that Turkey, though in complete agreement with the idea and understanding of the Convention, regrets not being able to sign the FCCC due to her inclusion in the annexes, as a "developed" country. Such a classification is not compatible with the UN Human Resources Development Report 1996 which considers Turkey as a "medium developed country" and hence places it as the 84th in the development row. Furthermore, Turkey is acknowledged as a developing country in the Montreal (ozone) Protocol.

The rest of this paragraph is the same as in the Pakistan text.

4. Same as in the Pakistan text.

5. Same as in the Pakistan text.

6. In the light of the above rules, the Republic of Azerbaijan believes that Turkey's demand deserves due consideration, in order to fulfil its obligations both for development of its economy, and for the implementation of the Convention.

Same as in the Pakistan text.

7. Same as in the Pakistan text.

8. Based on the above mentioned argumentation, the Republic of Azerbaijan, a Party to the UNFCCC, requests the secretariat, in accordance with paragraph 4.2(f) of the said Convention, to take the necessary steps to delete the name of the Republic of Turkey from Annexes I and II to the Convention and duly put this matter under the relevant agenda item of the third session of the Conference of the Parties to be held in Kyoto, Japan in December 1997. Furthermore, the Republic of Azerbaijan kindly asks the secretariat to bring this letter to the attention of all Parties, in conformity with the rules of the Convention

Letter dated 28 May 1997 from the Netherlands, on behalf of the European Community and its Member States, to the Executive Secretary transmitting a proposal to amend Article 17 of the Convention

With reference to article 15 of the Convention, the Netherlands, on behalf of the European Community and its Member States, has the pleasure to submit herewith a proposal for an amendment to Article 17 of the Convention.

The text of this amendment should be added as a new paragraph after "Convention" in Article 17 1 of the UN Framework Convention on Climate Change (article 17 1 (bis)).

The Netherlands is aware of the short notice of this submission, but it would highly appreciate if the secretariat could communicate the enclosed text of this proposal to the Parties before June 1st 1997, in accordance with paragraph 2 of Article 15 of the Convention. For this purpose our submission has been already translated in the six UN languages.

(Signed)
The Hague, May 28, 1997

(Dr. Bert Metz)
Deputy Director, Air and Energy
Ministry of Housing, Spatial Planning and the Environment

NETHERLANDS (ON BEHALF OF THE EUROPEAN COMMUNITY AND ITS MEMBER STATES): PROPOSED AMENDMENT TO ARTICLE 17 OF THE CONVENTION

The following paragraph shall be added after "Convention" in Article 17.1 of the UN Framework Convention on Climate Change

Article 17.1 (bis)

> The Parties shall make every effort to reach agreement on any proposed protocol to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the protocol shall as a last resort be adopted by a three fourths majority of the Parties present and voting at the meeting. This paragraph shall be applied provisionally, pe...ng its entry into force in accordance with Article 15.

Letter dated 2 June 1997 from the State of Kuwait to the Executive Secretary, transmitting a proposal for an amendment to Article 4, paragraph 3 of the Convention.

Kindly find the proposal of Kuwait for an amendment to Article 4, paragraph 3 of the United Nations Framework Convention on Climate Change (UNFCCC), (the "Convention") as given below on page 2.

We propose that this amendment be adopted at one of the meetings of the third session of the Conference of the Parties (the "COP"), scheduled to be held in Kyoto, Japan during the period December 1 through 10, 1997.

It would be appreciated if you kindly communicate this proposed amendment immediately to all Parties to the Convention, as well as to the signatories to the Convention and, for information, to the Depositary, in accordance with Article 15, paragraph 2 of the Convention.

As you recall, Article 15, paragraph 2 of the Convention states that amendments to the Convention shall be adopted at an ordinary "session" of the COP and that the text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the "meeting" at which it is proposed for adoption. Since, under the established practice of the COP and its subsidiary bodies, "meetings" of those bodies may be, and are, held at multiple times during the course of a "session", there should be no difficulty in consideration and adoption of this proposed amendment during the course of the third session of the COP if the secretariat will immediately undertake the communication required by Article 15, paragraph 2.

Specifically, we request that the proposed amendment to be communicated to the Parties and others, as required by Article 15, paragraph 2 of the Convention, immediately, but in no event later than June 9, 1997 or such earlier date as may be required, pursuant to the Convention, to enable its adoption at the third session of the COP.

Kindly accept my sincere appreciation for your assistance in this regard.

(Signed) June 2, 1997

(Abbas A. Naqi)
Assistant Under-Secretary
Chairman of the National Climate Change Committee
State of Kuwait

KUWAIT: PROPOSED AMENDMENT TO ARTICLE 4, PARAGRAPH 3 OF THE CONVENTION

The State of Kuwait, a Party to the United Nations Framework Convention on Climate Change (the "Convention"), proposes pursuant to Article 15 of the Convention, to amend paragraph 3 of Article 4 of the Convention by deleting the second sentence thereof and substituting in lieu thereof the following sentence:

> "They also shall provide such financial resources, including for the transfer of technology, as the Conference of the Parties may decide from time to time is needed by the developing country Parties to meet the full incremental costs of formulating, taking, and implementing measures that are covered by paragraph 1 of this Article or that otherwise may be necessary to enable developing country Parties to comply with their obligations set forth in this Convention or in any protocol to this Convention, as either may be amended from time to time."

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